

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 25114 OF 2005

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29th December, 2005

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Between:

1. M.Ramanjaneyulu and Other ...Petitioner

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The Joint Collector, Warangal and others ...Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 25114 OF 2005

ORDER:

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1. When WPMP No.32295 of 2005 came up for consideration, with the consent of

both the parties, the writ petition itself is taken up for hearing.

2. Respondent 6 and 7 filed an appeal before the Joint Collector under section 90 of A.P. (T.A.) Agricultural and Lands Act, 1950, pending the appeal an order of status quo came to be passed on 25-7-2005. The order passed on 25-7-2005 read as follows:

“On hearing the arguments of the counsel for petitioner on 23-7-2005 in petition filed under Se. 90 of A.P. (T.A.) Tenancy and Agricultural Lands Act, 1950 by Baptist Preston Institute Old Student, Minorities Educational Welfare ociety, Janagaon, represented by Dr. Ch. Suvatha, President, both the parties are hereby directed to maintain status quo, till the disposal of the case. The Mandal Revenue Officer, Janagaon is hereby directed to implement the status quo orders on the ground and not to allow any construction till the disposal of the case”

Assailing the order of status quo, the petitioners filed W.P.No. 18564 of 2005. This Court disposed of the said writ petition on 29th August, 2005. The order passed in the said writ petition reads as follows:

“The petitioners, who are twenty seven in number, claim to be owners of small extents of plots, on which some of them have already constructed houses. Aggrieved by the order dated 25-7-2005 passed by first respondent herein directing the petitioners to maintain status quo till the disposal of the case filed by respondent No. 6 and 7, they filed the present Writ Petition. Be it noted that respondent Nos. 6 and 7 filed appeal under Section 90 of A.P (Telangana Area) Tenancy and Agricultural Land Act, 1950 claiming the land which is allegedly in possession of the petitioners. While entertaining the appeal, the order was passed.

As seen from the affidavit accompanying the Writ Petition, some of the petitioners had applied for necessary permission from fourth respondent municipality and when they did not receive any response they have commenced construction and completed construction after which the municipality allegedly assigned municipal numbers The impugned order also does not speak about this, except saying that the Mandal Revenue Officer, should implement status quo orders passed by Joint Collector and not to allow any further constructions. As some of the petitioners have already made constructions instead of keeping the Writ Petition pending, it would be in the interest of

petitioners and respondents 6 and 7 to direct the Joint Collector, Warangal, to dispose of the appeal within four weeks from the date of receipt of a copy of this order after giving notice to petitioners and contesting respondents.

The Writ Petition with the above observations is accordingly disposed of without expressing any opinion on the merits of the case. No costs”

3. The Joint Collector, without serving notice on the writ petitioners proceeded to dispose of the appeal on 20-10-2005. The said order is under challenge in this Writ Petition.

4. The grievance of the writ petitioners is that the appellate authority in spite of the direction given by this Court in W.P.No. 18564 of 2005 did not choose to issue notices to the petitioners and proceeded to pass an order on 20-10-2005. This factual aspect is not controverted by the respondents No. 6 and 7 who are the appellants before the Joint Collector.

5. In that view of the matter, without going into the merits of the case, I deem it appropriate to set aside the order impugned in the writ petition and direct the Joint Collector, Warangal to consider the matter afresh after putting on notice the writ petitioners as well as the parties in the appeal and pass appropriate orders within four weeks from the date of receipt of a copy of this order. The petitioners as well as Respondents No.6 and 7 are directed to make their appearance before the Joint Collector on 5-1-2006.

6. With the above observations, the writ petition is disposed of. No order as to costs.

Justice B.Seshasayana Reddy

29th December, 2005

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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